

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

EXTENDED STAY, INC., *et al.*,

Debtors.

WALKER, TRUESDELL, ROTH &  
ASSOCIATES, as Trustee for and on behalf of  
Extended Stay Litigation Trust, HOBART  
TRUESDELL, as Trustee for and on behalf of the  
Extended Stay Litigation Trust, and THE  
EXTENDED STAY LITIGATION TRUST

Plaintiffs,

v.

LIGHTSTONE HOLDINGS, LLC, *et al.*,

Defendants.

Chapter 11

Case No. 09-13764

(Jointly Administered)

Adv. Pro. No. 11-2256

Case No. 11-cv-05395 (SAS)

**JOINDER OF MEZZANINE LOAN ASSIGNEE GROUP TO  
OPPOSITION OF WACHOVIA BANK, NATIONAL ASSOCIATION AND  
THE BLACKSTONE DEFENDANTS TO THE LITIGATION TRUSTEE'S  
MOTION TO WITHDRAW THE REFERENCE**

Ashford Hospitality Finance LP, Atlas Ventures I LLC, CL Ventures LLC, ESH Funding LLC, FOA ESH LLC GF ESH LLC, SL Green Funding LLC and WRP ESH LLC (collectively, the "Mezzanine Loan Assignee Group") hereby oppose the motion (the "Motion") of Plaintiffs Walker, Truesdell, Roth & Associates, as Trustee for and on behalf of the Extended Stay Litigation Trust (the "Trust"), and Hobart Truesdell, as Trustee for and on behalf of the Trust (collectively, the "Plaintiff") for an order withdrawing the reference to the bankruptcy court in this adversary proceeding, and in support thereof file this joinder to (i) Wachovia Bank, N.A.'s Opposition to the Trustee's Motions To Withdraw The Reference (filed in Case No. 11-cv-05864 and relating to Adversary Proceeding No. 11-2259) [Docket No. 2] and (ii) the Blackstone

Defendants' Opposition to the Litigation Trustee's Motions to Withdraw the Reference (filed in Case Nos. 11-cv-05394, 11-cv-05396 and 11-cv-05397 and relating to Adversary Proceeding Nos. 11-2254, 11-2255 and 11-2398) [each at Docket No. 5] (collectively, the "Objections"), and in further support thereof respectfully states as follows:

The arguments made in the Objections are directly applicable to the Mezzanine Loan Assignee Group. The Mezzanine Loan Assignee Group concurs with the arguments and assertions set forth in the Objections, and hereby joins the Objections and incorporates those arguments and assertions herein by reference.<sup>1</sup>

### **CONCLUSION**

For the reasons set forth in the Objections, the Mezzanine Loan Assignee Group respectfully requests that the Court deny Plaintiffs' motion for an order withdrawing the reference of Adversary Proceeding No. 11-02256.

Dated: New York, New York  
September 9, 2011

Respectfully submitted,  
COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.

By: /s/ David M. Bass  
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FOA ESH LLC, GF ESH LLC, SL Green  
Funding LLC and WRP ESH LLC*

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<sup>1</sup> The Mezzanine Loan Assignee Group reserves all rights to assert arguments not raised in the Objections, and to be heard before this Court with respect to any such arguments.